

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JARED CARLILE

Plaintiff,

vs.

MICHAEL J. ASTRUE

Defendant.

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
REVERSING AND REMANDING

Case No. 2:11-cv-823

This matter was referred to Magistrate Judge Paul M. Warner pursuant to 28 U.S.C. § 636(b)(1)(B). After consideration of the supporting memoranda and review of the record, the Magistrate Judge filed a Report and Recommendation that the Commissioner's decision denying the claim for Disability Insurance Benefits under Title II of the Social Security Act and Supplemental Security Income under Title XVI of the Social Security Act be reversed and remanded for further proceedings. (Dkt No. 19) The Commissioner objected to the Report and Recommendation (Dkt No. 20) and the Plaintiff filed a Response asking the court to sustain the recommendation. (Dkt No. 21).

The court has reviewed the Report and Recommendation together with the supporting record. Upon fully considering the arguments of the parties and their references to the record, the court adopts in its entirety the Report and Recommendation. The court overrules the objections of the Commissioner. The court further finds upon review of the supporting testimony and exhibits that the failure of the Administrative Law Judge to properly evaluate the

opinions of the treating physician, Dr. Todd M. Haderlie, was not harmless error. The failure of the Administrative Law Judge to conclude a proper evaluation denied Plaintiff the careful examination of the record to which he is entitled. Had Dr. Haderlie's opinions been properly evaluated, the evidence would support a different conclusion than the decision reached by the Commissioner.

The Commissioner's decision in this case is **REVERSED AND REMANDED** for further proceedings consistent with this ruling.

DATED this 9th day of August, 2013.

BY THE COURT:



Clark Waddoups
United States District Judge